

Application No. 09/579,961
Response to Office Action of June 30, 2004
ATTORNEY DOCKET NO. C0010.P002U1
Page 13 of 15

REMARKS

This Response addresses the Office Action mailed on June 30, 2004 and the Advisory Action mailed on December 6, 2004. A diligent effort has been made to respond to the rejections contained therein, and reconsideration and allowance is respectfully requested in view of this Response.

Further, submitted herewith, Assignee provides a statement pursuant to 37 C.F.R. §3.73(b). Along with this statement, Assignee provides a revocation and new power of attorney appointing the undersigned to represent Assignee in regard to the above-captioned application.

Claims 37 and 38 are allowed over the prior art of record. Claims 1-6, 12, 15-17, 20-25, 30, 33 and 34 presently stand rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 6,578,068 issued to Bowman-Amuah (hereinafter "Bowman"). Claims 7, 8, 10-11, 13-14, 18-19, 26-29 are presently objected to as being dependent upon a rejected base claim. The Assignee acknowledges with appreciation the Examiner's indication that claims 7, 8, 10, 11, 13, 14, 18, 19, 26-29, 31, 32, 37, and 38 are directed to allowable subject matter.

The Assignee also expresses appreciation to the Examiner for granting an interview on December 16th, 2004. During that interview, further suggested revisions regarding the objected to claims were discussed to be incorporated when rewriting the claims in independent form. The Examiner kindly recommended that the new independent claims should clarify that the content management directives types and that they are directed to "alter the number of instances" of the data sets or content on the storage systems. The Examiner further indicated his desire to see reference to the indexing systems in all the independent claims; the revised claims now recite issuance of management directives based on usage tracking data generated by one or more

Application No. 09/579,961
Response to Office Action of June 30, 2004
ATTORNEY DOCKET NO. C0010.P002U1
Page 14 of 15

indexing systems. The Examiner also indicated his preference for inclusion of the phrase "computer-implemented" in the preambles of the independent claims to clarify context rather than any limitations of the invention as claimed.

The Assignee respectfully submits that these amendments merely clarify the meaning of the original claims, as would be understood by those skilled in the art. Furthermore, Assignee respectfully submits that the claims which were indicated as being directed toward allowable subject matter (claims 7, 8, 10, 11, 13, 14, 18, 19, 26-29, 31, 32, 37, and 38) in the previous office action have been rewritten in independent form, or are now dependent upon an allowable claim. Thus, claims 7, 13, 22, 26, 28, 31, and 35 which were indicated allowable if rewritten in independent form, have been rewritten with the additional language suggested by the Examiner. The Assignee would like to note that, to the extent that limitations have been incorporated from ancestor claims from which these claims depend, the rewriting to incorporate limitations from ancestor claims does not constitute amendments, *per se*, but are merely expressly including the elements inherited from, or inherent in, the original ancestor claims as understood by those skilled in this technical area. Therefore, the Assignee respectfully asserts these limitations in independent claims (7, 13, 22, 26, 28, 31, and 35) retain their original broad scope and claim interpretation.

In view of these remarks, the Assignee respectfully requests withdrawal of the Examiner's rejection, allowance of claims 2-11, 13-20, 22-29, and 31-38 and issuance of a Notice of Allowance to that effect. The Examiner is invited to contact the undersigned if such contact would assist in the further prosecution of this case.

Application No. 09/579,961
Response to Office Action of June 30, 2004
ATTORNEY DOCKET NO. C0010.P002U1
Page 15 of 15

No fees beyond the one month extension of time fee (included herewith) are believed due with respect to this response, however, the Commissioner is hereby authorized to charge any additional fees, or credit any overpayment, associated with this response to Weatherly Kerven LLC's Deposit Account No. 503091, ref: C010.P002U1.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David S. Kerven", written over a horizontal line.

David S. Kerven
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